IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL WRIT PETITION NO. 17 OF 2005

Mehboob Sayed,
presently lodged
as Convict No. 597,
At Central Jail,
Aguada-Goa. ... Petitioner.

versus

State of Goa through
The Chief Secretary
and others. ... Respondents.

Petitioner in person.

Mrs. W. Coutinho, Additional Public Prosecutor for the State.

CORAM : V. M. KANADE, J.

DATE : 21ST JULY, 2005.

P.C.:-

Heard Mrs. W. Coutinho, Additional Public Prosecutor appearing on behalf of the State.

This is an application filed by the Petitioner through Jail in which it is prayed that he be released on parole for a period of 2 months. The Petitioner is convicted and sentenced under Section 304 (Part I) r/w Section 34 of the Indian Penal Code and is sentenced to

undergo R. I. for 5 years and to pay fine of Rs. 2000/-. The Petitioner's earlier application for parole was granted by this Court in Writ Petition No. 2 of 2004 and he was directed to be released on parole for a period of 30 days which period was extended by 10 more days. Thereafter, he had filed another application for parole. This application of parole was rejected on 20-4-2005 on the ground that the Petitioner had already been released on the same ground in the past. In this view of the matter, I do not see any reason to interfere with the Order passed by the Inspector General of Police, Panaji, Goa.

The Petitioner, however, is entitled to be released on furlough leave as he has already completed more than 2 years of sentence. Under the circumstances, the application for parole may be treated as an application for furlough leave and the Respondents are directed to decide the said application as expeditiously as possible and in any case within a period of 3 months.

Criminal Writ Petition is disposed of in the above terms.

Authenticated copy of the Order be given to the learned Additional Public Prosecutor appearing on behalf of the State.

V. M. KANADE, J.

RD.